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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/046,886 | 01/15/2002 | Alan F. Washburn | 31936 | 2636 |

7590 08/14/2003
HOVEY, WILLIAMS, TIMMONS & COLLINS
Suite 400
2405 Grand
Kansas City, MO 64108

EXAMINER

TORRES, ALICIA M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3671

DATE MAILED: 08/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary

Application No.

10/046,886

Applicant(s)

WASHBURN, ALAN F.

Examiner

Alicia M Torres

Art Unit

3671

All participants (applicant, applicant's representative, PTO personnel):

(1) Alicia M Torres.

(3) Kameron Kelly.

(2) Thomas Will.

(4) _____.

Date of Interview: 12 August 2003.

Type: a) ☐ Telephonic b) ☐ Video Conference
c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: 1, 7, 16, and added claim 27.

Identification of prior art discussed: Scarborough, Smith et al., Hatfield, Ferree et al.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Amendments made to claims appear to read over cited prior art. However, a supplemental search will be conducted. Added claims 27--34 will not be entered.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.


Thomas B. Will
Supervisory Patent Examiner
Group 3600

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

FAX TRANSMISSION

HOVEY WILLIAMS LLP
2405 GRAND BOULEVARD, SUITE 400
KANSAS CITY, MISSOURI 64108
(816) 474-9050
FAX: (816) 474-9057

To: Examiner Will **From:** Kameron Kelly
Company: US Patent and Trademark Office **Date:** 8/7/03
Fax No.: (703) 746-3856 **Pages:** 7, including this cover sheet
Phone No.: **Operator:** BJA
Subject: Application for U.S. Letters Patent -
ARTICULATED MOWER FOR MOWING AROUND FENCEPOSTS
AND OTHER UPRIGHT OBSTRUCTIONS
Message: Please see the attached letter, proposed amendments to claims, and
proposed set of new claims.

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SUITE 400
KANSAS CITY, MO. 64108-2519TELEPHONE 816-474-9050
FACSIMILE 816-474-9057

www.hoveywilliams.com

ROBERT D. HOVEY, P. C.
WARREN N. WILLIAMS, P. C.
STEPHEN D. TIMMONS, P. C.
JOHN M. COLLINS, P. C.
THOMAS H. VAN HOOZER, P. C.
THOMAS B. LUEBBERING, P. C.
ANDREW G. COLOMBO, P. C.
SCOTT R. BROWN, P. C.
TRACY L. BORNMAN, P. C.ALLEN W. RICHMOND, OF COUNSEL
(ADMITTED IN OKLAHOMA ONLY)
MICHAEL ELBEIN, P. C., OF COUNSELJILL D. SINGER
TRACEY S. TRUITT
DAVID V. AYRES
GERHARD P. SHIPLEY
KAMERON D. KELLY
JASON E. GORDEN
GREGORY J. SKOCH
LESLIE L. LAWSON
JENNIFER C. BAILEY
WILLIAM J. JACOB

DAVID TERRELL, PATENT AGENT

August 7, 2003

****UNOFFICIAL CORRESPONDENCE****
****FOR INTERVIEW PURPOSES ONLY******VIA FACSIMILE: (703) 746-3856****ATTN: EXAMINER WILL**

P.O. Box 1450

Alexandria, VA 22313-1450

RE: Application for U.S. Letters Patent
ARTICULATED MOWER FOR MOWING AROUND FENCEPOSTS AND
OTHER UPRIGHT OBSTRUCTIONS
Serial No.: 10/046,886
Filed: 01/15/02
Inventor: Washburn, Alan F.
Docket No.: 31936

Dear Mr. Will:

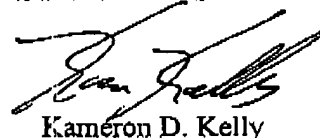
Pursuant to our telephone conversation earlier this morning, transmitted herewith are proposed amendments to the claims and a proposed set of new claims in the above-referenced application. As you know, an interview for the above-referenced application is scheduled for Tuesday, August 12, 2003 at 10 a.m.

Should you have any questions, or if you do not receive all of the pages of this communication (6 pages including this sheet), please contact me today. Thank you in advance for your time.

Very truly yours,

HOVEY WILLIAMS LLP

By


Kameron D. KellyKDK:cmg
Attachments

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PROPOSED AMENDMENTS

Serial No.: 10/046,886

Examiner: Torres, Alicia M.

IN THE CLAIMS:

1. (Currently Amended) A pull-behind mower for cutting ground vegetation, said mower comprising:

- a frame presenting a fore end, an aft end, and a pair of laterally spaced sides;
- a hitch assembly coupled to the frame proximate the fore end and adapted to couple the frame to a vehicle;
- a pair of laterally spaced wheels coupled to the frame proximate the aft end and adapted to rollingly support the frame on the ground; and
- a mowing deck pivotally coupled to the frame proximate the fore end and operable to cut the vegetation when positioned proximate the ground, said deck being pivotable relative to the frame between a retracted position wherein the deck is positioned primarily between the laterally spaced sides and between the fore and aft ends, and an extended position wherein the deck is positioned primarily outside the laterally spaced sides.

DRAWINGS?
→

§ 102(b): Scarborough

- Scarborough fails to teach or suggest a mower deck that is shiftable into a retracted position *between the fore and aft ends* of the frame. This feature of the present inventive mower reduces storage space and facilitates transportation

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PROPOSED AMENDMENTS

Serial No.: 10/046,886

Examiner: Torres, Alicia M.

7. (Currently Amended) A pull-behind mower for cutting ground vegetation, said mower comprising:

- a frame adapted to be coupled to a vehicle and rollingly supported on the ground;
- a motor rigidly coupled to the frame;
- a mowing deck coupled to the frame for pivotal movement relative to the frame on first and second intersecting pivot axes; and
- a drive train for drivingly coupling the motor to the deck so that the motor powers the deck, said drive train including a U-joint that is centered proximate to the intersection of the pivot axes.

§ 103: Hatfield in view of Smith

- Neither Hatfield nor Smith teach or suggest a pull-behind mower having a motor *rigidly* coupled to the frame and a deck pivotally coupled to the frame. This feature allows the deck to pivot up and down relative to the ground without pivoting the motor. Thus, the deck can be swung into an upright position (See FIG. 11) without spilling fuel out of the motor.
- The mower of Smith is not a pull-behind mower, and requires power from the tractor to which it is attached. The mower of the present invention is powered independently of the towing vehicle. Thus, the mower of the present invention can be pulled behind any vehicle.

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PROPOSED AMENDMENTS

Serial No.: 10/046,886

Examiner: Torres, Alicia M.

16. (Currently amended) A pull-behind mower for cutting ground vegetation, said mower comprising:

- a frame adapted to be coupled to a vehicle and rollingly supported on the ground;
- and a mowing deck coupled to the frame and operable to cut the vegetation when the deck is in an engaged position proximate the ground;
- said deck being pivotable relative to the frame on first and second distinct and intersecting pivot axes, said deck being selectively pivotable on the second pivot axes between the engaged position and a disengaged position when the deck is pivoted upward away from the ground,
- said deck being lockable in the disengaged position.

§ 103: Hatfield in view of Ferree ^{10?}

- Neither Hatfield nor Ferree teach or suggest a deck that is pivotable on first and second distinct *and intersecting* pivot axes.
- FIG. 5 of Hatfield shows that a first horizontal pivot axes is formed at hinge (52) and a second vertical pivot axes is formed at pivot pin (38). These two pivot axes do not intersect
- Ferree discloses only one pivot axes at shaft (50). (See FIGS 5 and 6 of Ferree).

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PROPOSED AMENDMENTS

Serial No.: 10/046,886

Examiner: Torres, Alicia M.

RES NOT
CORRECT

27. (New) A pull-behind mower for cutting ground vegetation around an upright obstruction, said mower comprising:

a frame adapted to be coupled to a vehicle and rollingly supported on the ground;

a mowing deck coupled to the frame and operable to cut the vegetation when the deck is in an engaged position proximate the ground;

said deck presenting an outer circumferential edge; and

a tree guard shiftably coupled to the deck and projecting outwardly from the edge.

Change
Spec/drawings?
(156) → (158)

28. (New) A mower according to claim 27,

said guard being rotatable relative to the deck.

29. (New) A mower according to claim 27,

said guard being formed of a synthetic resin.

30. (New) A mower according to claim 27,

said guard including an outer ring that surrounds the edge.

said ring being rotatable relative to the deck.

31. (New) A mower according to claim 27, and

a skirt rigidly coupled to and extending generally downwardly from the guard.

32. (New) A mower according to claim 27,

said deck being pivotable relative to the frame on first and second distinct and intersecting pivot axes.

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****FOR INTERVIEW PURPOSES ONLY****

PROPOSED AMENDMENTS

Serial No.: 10/046,886

Examiner: Torres, Alicia M.

33. (New) A mower according to claim 32; and
a drive shaft including a U-joint,
said U-joint being at least substantially centered on the intersection of the pivot axes.
34. (New) A mower according to claim 33,
said drive shaft being substantially upright.